

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 09-55685

AKBAL ZIA,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This case comes before the Court on Debtor's motion entitled "Emergency Motion for Reconsideration Due to Procedural Defect, to Vacate Order for Relief From the Automatic Stay, and to Reinstate Stay as Default on Which Entry of the Order Was Based Has Been Cured," filed on June 25, 2009 (Docket # 29, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the June 24, 2009 Order granting relief from the automatic stay (Docket # 27), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order lifting the automatic stay (Docket # 27). Furthermore, any neglect or mistake by Debtor's counsel, such as that alleged in the Motion, is generally attributable to the Debtor, for purposes of determining whether any such neglect or mistake was excusable, *see, e.g., Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 396-97 (1993)(in determining whether "excusable neglect" is shown, "the proper focus is upon whether

the neglect of [the movants] *and their counsel* was excusable” (italics in original)).

Finally, the Court notes that nothing in this Order, or in the June 24, 2009 order for relief from stay, precludes the Debtor from challenging the validity of the sheriff's sale under state law, as a defense to any eviction proceedings (or otherwise) in state court.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

**Signed on June 25, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**